

7-23-01

A Box
Seq

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. Mo-6439/LeA 34,771

First Inventor Werner Zitzmann

Title Heliothis Virescens Ultraspiracle (USP)...

Express Mail Label No. ET146894696US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27
- Specification [Total Pages 18]

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (*if filed*)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets]

5. Oath or Declaration [Total Pages 2]

- a. Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
- b. (for continuation/divisional with Box 18 completed)

- i. **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)

6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of
(when there is an assignee) Attorney
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS
Statement
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part(CIP)

of prior application No /

Prior application information Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label



or Correspondence address below

Name

00157

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Jackie Ann Zurcher

Registration No. (Attorney/Agent)

42,251

Signature

Date

July 20, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision

Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12
See 37 C.F.R. §§ 1.27 and 1.28

TOTAL AMOUNT OF PAYMENT (\$858.00)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | To Be Assigned |
| Filing Date | Herewith |
| First Named Inventor | Werner Zitzmann |
| Examiner Name | |
| Group / Art Unit | |
| Attorney Docket No. | Mo-6439/LeA 34,771 |

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 13-3848

Deposit Account Name Bayer Corporation

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. Payment Enclosed:

 Check Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|------------------------------------|----------------------------|---|------------------------|
| 105 | 130 | 205 65 Surcharge - late filing fee or oath | |
| 127 | 50 | 227 25 Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 130 Non-English specification | |
| 147 | 2,520 | 147 2,520 For filing a request for reexamination | |
| 112 | 920* | 112 920* Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 1,840* Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 55 Extension for reply within first month | |
| 116 | 380 | 216 190 Extension for reply within second month | |
| 117 | 870 | 217 435 Extension for reply within third month | |
| 118 | 1,360 | 218 680 Extension for reply within fourth month | |
| 128 | 1,850 | 228 925 Extension for reply within fifth month | |
| 119 | 300 | 219 150 Notice of Appeal | |
| 120 | 300 | 220 150 Filing a brief in support of an appeal | |
| 121 | 260 | 221 130 Request for oral hearing | |
| 138 | 1,510 | 138 1,510 Petition to institute a public use proceeding | |
| 140 | 110 | 240 55 Petition to revive - unavoidable | |
| 141 | 1,210 | 241 605 Petition to revive - unintentional | |
| 142 | 1,210 | 242 605 Utility issue fee (or reissue) | |
| 143 | 430 | 243 215 Design issue fee | |
| 144 | 580 | 244 290 Plant issue fee | |
| 122 | 130 | 122 130 Petitions to the Commissioner | |
| 123 | 50 | 123 50 Petitions related to provisional applications | |
| 126 | 240 | 126 240 Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 40 Recording each patent assignment per property (times number of properties) | 40.00 |
| 146 | 690 | 246 345 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 690 | 249 345 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) _____ | | | |
| Other fee (specify) _____ | | | |
| * Reduced by Basic Filing Fee Paid | | | SUBTOTAL (3) (\$40.00) |

SUBMITTED BY

| | | | | | |
|-------------------|--------------------|-------------------------------------|--------|---------------|--------------|
| Name (Print/Type) | Jackie Ann Zurcher | Registration No (Attorney/Agent) | 42,251 | Telephone | 412-777-8356 |
| Signature | Jackie Ann Zurcher | | Date | July 20, 2001 | |

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

PATENT APPLICATION
Mo-6439
LeA 34,771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
WERNER ZITZMANN ET AL)
SERIAL NUMBER: TO BE ASSIGNED)
FILED: HEREWITH)
TITLE: HELIOTHIS VIRESSENS)
ULTRASPIRACLE (USP) PROTEIN)

STATEMENT VERIFYING IDENTITY OF SEQUENCE LISTING

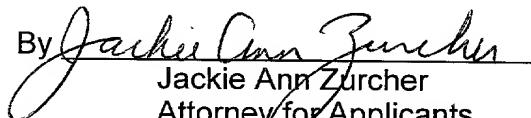
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

The content of the sequence listing information recorded in computer readable form on the enclosed diskette is identical to the written paper sequence listing and includes no new matter.

The attached diskette is submitted in American Standard Code for Information Interchange (ASCII) text and is properly labeled for the convenience of the U.S. Patent & Trademark Office.

Respectfully submitted,

By 
Jackie Ann Zurcher
Attorney for Applicants
Reg. No. 42,251

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"Express Mail" mailing label number ET146894696US
Date of Deposit July 20, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

Donna J. Veatch
(Name of person mailing paper or fee)

Signature of person mailing paper or fee